IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

THURSDAY, THE 15TH NOVEMBER 2007 / 24TH KARTHIKA 1929

WP(C).No. 30143 of 2007(L)

PETITIONER:

M.K.ROY, S/O.M.O.KOCHAPPAN,
FIRST GRADE OVERSEER, KULASEKHARAPURAM
GRAMA PANCHAYATH, QUILON DISTRICT
RESIDING AT MAPRANATHUKARAN HOUSE,
MAVELI NAGAR, P.O.KURIYACHIRA, TRICHUR-680006.

BY ADV. SRI.MILLU DANDAPANI

RESPONDENTS:
----

1. **STATE OF KERALA, REPRESENTED BY THE SECRETARY, DEPARTMENT OF LOCAL SELF GOVERNMENT, GOVERNMENT SECRETARIAT, TRIVANDRUM.**

2. **THE DIRECTOR OF PANCHAYATHS, DIRECTORATE OF PANCHAYATHS, TRIVANDRUM.**

BY GOVERNMENT PLEADER SRI.BEJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V. GIRI ,J.

WP(C).NO. 30143 of 2007

Dated this the 12th day of November, 2007

JUDGMENT

Petitioner claims that he is the only B.Tech Overseer in the Panchayath Department. He aspires for promotion to the post of Assistant Engineer. As per the special rules, there is a ratio of 6:4 to be maintained between direct recruits and promotees in the cadre of Assistant Engineers. Further, even among the promotees, a ratio of 6:3:1 is to be maintained between degree holders/diploma holders and certificate holders. Petitioner contends that the internal ratio is not been maintained in the department and though there are actually 8 vacancies, they had not been filled up in terms of the special rules. The grievance voiced in this regard by the petitioner also was directed to be considered by the government as per Ext.P3 judgment. Government passed Ext.P4 order directing the Director of Panchayats to take action to fill up 24 posts, which was then identified to be in existence in the cadre of Assistant Engineer, by reverting 19 junior most transfer appointees to the post of Ist Grade Overseer. As and when the direct recruits report for duty, Government had directed the Director of Panchayats to ensure the maintenance of the internal ratio of 6:3:1 among the degree holders/diploma and certificate holders in

the quota earmarked for promotees as such. It cannot be said that in Ext.P4, government has not addressed the issue raised by the petitioner. But the learned counsel for the petitioner submits that further action pursuant to Ext.P4 has not been taken so far. 8 more vacancies have arisen subsequent to Ext.P4. He submits that the internal ratio among the promotees have not been maintained.

2. After having heard the learned counsel for the Government Pleader also, the writ petition is disposed of directing the petitioner to point out the specific case of vacancies which have arisen subsequent to Ext.P4 (or even otherwise) and the manner in which the internal ratio will have to be operated. If such a representation is filed by the petitioner within a period of one month, it shall be looked into and the second respondent shall take a decision in terms of Ext.P4 within a period of six weeks thereafter.

V. GIRI, JUDGE

css/